

JUDGE COURT

MICHAEL J. GARCIA
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 Southern District of New York
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

- v - :

OCT 12 2007

U.S.D.C.S.D.N.Y.
 CASHIERS

VERIFIED COMPLAINT

\$7,105.00 IN UNITED STATES CURRENCY, : 07 Civ.

Defendant-in-rem. :

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Plaintiff United States of America, by its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, for its complaint alleges as follows:

I. JURISDICTION AND VENUE

1. This action is brought pursuant to 21 U.S.C. § 881 by the United States of America seeking the forfeiture of \$7,105.00 in United States Currency ("defendant-in-rem currency");

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355. Venue is proper under 28 U.S.C. § 1355(a) because the actions giving rise to forfeiture took place in the Southern District of New York and the defendant-in-rem currency was found and seized in the Southern District of New York.

3. The defendant-in-rem currency is presently in the

custody of the United States Marshals Service ("USMS") in the Seized Asset Deposit Fund Account at the Federal Reserve Bank.

II. PROBABLE CAUSE FOR FORFEITURE

4. On or about March 21, 2007, members of the New York City Policy Department ("NYPD") Bronx Narcotics Unit set up an observation location in the vicinity of Rosedale Avenue and Bruckner Boulevard, a known narcotics location.

5. Moments later an unapprehended buyer approached an individual later identified as Kenneth Francia. Member of the Bronx Narcotics Unit present at the scene observed the buyer hand Francia a sum of U.S. Currency, in exchange for which Francia handed the buyer a small wax package. Later examination and testing revealed that the package contained approximately $\frac{1}{2}$ ounce of heroin.

6. Francia subsequently was placed under arrest and charged with criminal sale of a controlled substance, in violation of New York Penal Law 220.39, and criminal possession of a controlled substance, in violation of New York Penal Law 220.16. The officers recovered from Francia's person four glassines containing from one-quarter to one-half ounces of heroin in each bag. The officers also recovered from Francia's person \$7,105 in United States Currency. The officers then seized the narcotics and the money.

III. FIRST CLAIM FOR FORFEITURE

7. Incorporated herein are the allegations contained in paragraphs one through six of the Complaint.

8. Pursuant to 21 U.S.C. § 881(a)(6), all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such exchanges, and all moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code, are subject to seizure and forfeiture to the United States, and no property right exists in such proceeds.

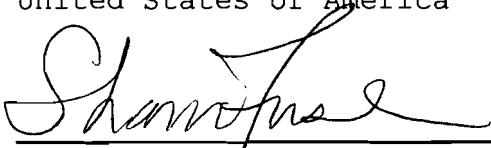
9. The defendant-in-rem currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because there is probable cause to believe that it constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such exchanges, and/or moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code.

10. By reason of the above, the defendant-in-rem currency became, and is, subject to forfeiture to the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the defendant-in-rem currency and that all persons having an interest in the defendant-in-rem currency be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the defendant-in-rem currency to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York
October 11, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the Plaintiff
United States of America

By: 

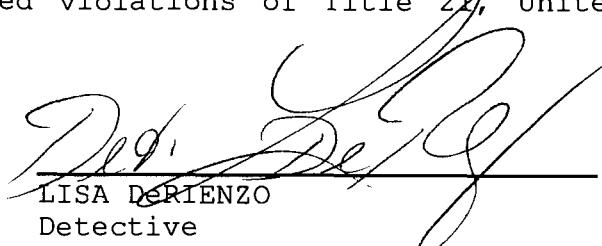
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VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK :
SOUTHERN DISTRICT OF NEW YORK)

LISA DeRIENZO, being duly sworn, deposes and says that she is a Detective with the New York Drug Enforcement Task Force, and as such has responsibility for the within action; that she has read the foregoing complaint and knows the contents thereof, and that the same is true to the best of her own knowledge, information and belief.

The sources of deponent's information and the ground of her belief are official records and files of the New York City Police Department, the State of New York, and the United States Government, and information obtained directly by deponent during an investigation of alleged violations of Title 21, United States Code.



LISA DeRIENZO
Detective
New York Drug Enforcement Task Force
Bronx Narcotics Unit

Sworn to before me this
11th day of October, 2007



NOTARY PUBLIC

LESLEY B. GLENN
Notary Public, State of New York
N.Y. #303600
Qualified in New York County
Commission Expires 6/30/07